

# ENCLOSURE 1

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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

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3 DOE 1, et al.,

4 Plaintiffs,

New York, N.Y.

5 v.

23 CV 10301 (AS)

6 GOVERNMENT OF THE UNITED  
7 STATES VIRGIN ISLANDS, et al.,

8 Defendants.

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Oral Argument

September 30, 2024  
4:00 p.m.

11 Before:

12 HON. ARUN SUBRAMANIAN,

13 District Judge

14  
15 APPEARANCES

16 MERSON LAW PLLC

17 Attorneys for Plaintiffs

18 BY: JORDAN K. MERSON

19 ANNETTE G. HASAPIDIS

20 KIMBERLY KRAMER

JENNIFER C. PLOTKIN

21 MOTLEY RICE

22 Attorneys for Defendant Government of the USVI

23 BY: DAVID I. ACKERMAN

-and-

24 OFFICE OF THE ATTORNEY GENERAL

CIVIL DIVISION

Attorneys for Defendant Government of the USVI

25 BY: VENETIA VELAZQUEZ

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1 will come quickly, so I don't think this will affect the  
2 schedule.

3 THE COURT: Is there any authority that a stay of  
4 discovery is required, based on the assertion of sovereign  
5 immunity as opposed to just being advisable or desired by your  
6 client?

7 Because what I'll say is that, and I'll ask the  
8 parties to just handle this as officers of the court, and I'm  
9 sure just in the near term, there are things that you can work  
10 out in terms of discovery that will be helpful to your efforts  
11 to push discovery forward that don't involve actually  
12 furnishing documents. You can work out search terms, identify  
13 custodians, have your initial 26(f) conference if you haven't  
14 had that already. Those are things you can get done in the  
15 near term.

16 So Mr. Ackerman, to your point, those are easy lifts,  
17 and I think consistent with the assertion of sovereign  
18 immunity, if you get to a point where Mr. Merson or anyone on  
19 his end is insisting on substantial discovery in the way of  
20 document productions and the like, you can certainly make an  
21 application to the Court at that time, and we'll try to adjust  
22 things to make sure, to the extent that you would be free and  
23 clear of this case, you're not at the same time trying to put  
24 together voluminous discovery.

25 Does that make sense?